

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

April 26, 2019



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. CVFPB Enforcement Program

Staff continues to process encroachment cases by Notices to Comply (NTC) or Notices of Violation (NOV). Status (since last month's report):

- Case being investigated for appropriate action: 69
- NTC/NOV being drafted for management review: 8
- NTC/NOV currently under management review: 1
- NTC/NOV mailed to landowner/responsible party: 9
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 53
- Based on enforcement case, permit applications received: 1
- Cease & Desist Order being prepared: 3
- Cease & Desist Order mailed/ CVFPB meeting scheduled: 0
- Notice to Proceed issued: 1
- Enforcement cases closed: 7

2. Local Maintaining Agency Coordination

Staff continues to coordinate with Local Maintaining Agencies (LMA) as more elect to participate in U.S. Army Corps of Engineers (USACE) System-Wide Improvement Framework (SWIF) program to regain eligibility for the federal Public Law (PL) 84-99 Program. A Letter of Intent (LOI) prepared by the LMA precedes the SWIF reports. Because USACE evaluates federal levees by system, it is possible for multiple LMAs to participate in the SWIF program together if their levees are part of the same system.

- **SWIF reports**

- On April 9, RD1500 and West Sacramento submitted their 1-year progress SWIF reports. Staff has forwarded the reports to USACE Sacramento District for approval.

- **LOI reports**

- No new updates this month.

3. PL 84-99 Rehabilitation Assistance Status

LMAs that are active in the PL 84-99 Program may request repair of flood risk reduction projects that were damaged due to flooding between January and March 2017. Rehabilitation assistance is being provided by USACE only when work is economically justifiable, the damage was sustained during the 2017 flood events, and the estimated cost of repairs is over \$15,000.

- There are 25 scheduled PL84-99 repair sites for 2019 and 2020:
 - 12 are schedule for the second quarter
 - 3 are scheduled for the fourth quarter
 - Remaining sites are scheduled for 2020
- Staff continues to participate in weekly PL 84-99 coordination calls with USACE and the Department of Water Resources (DWR).

4. 2017 Storm Damage DWR Rehabilitation

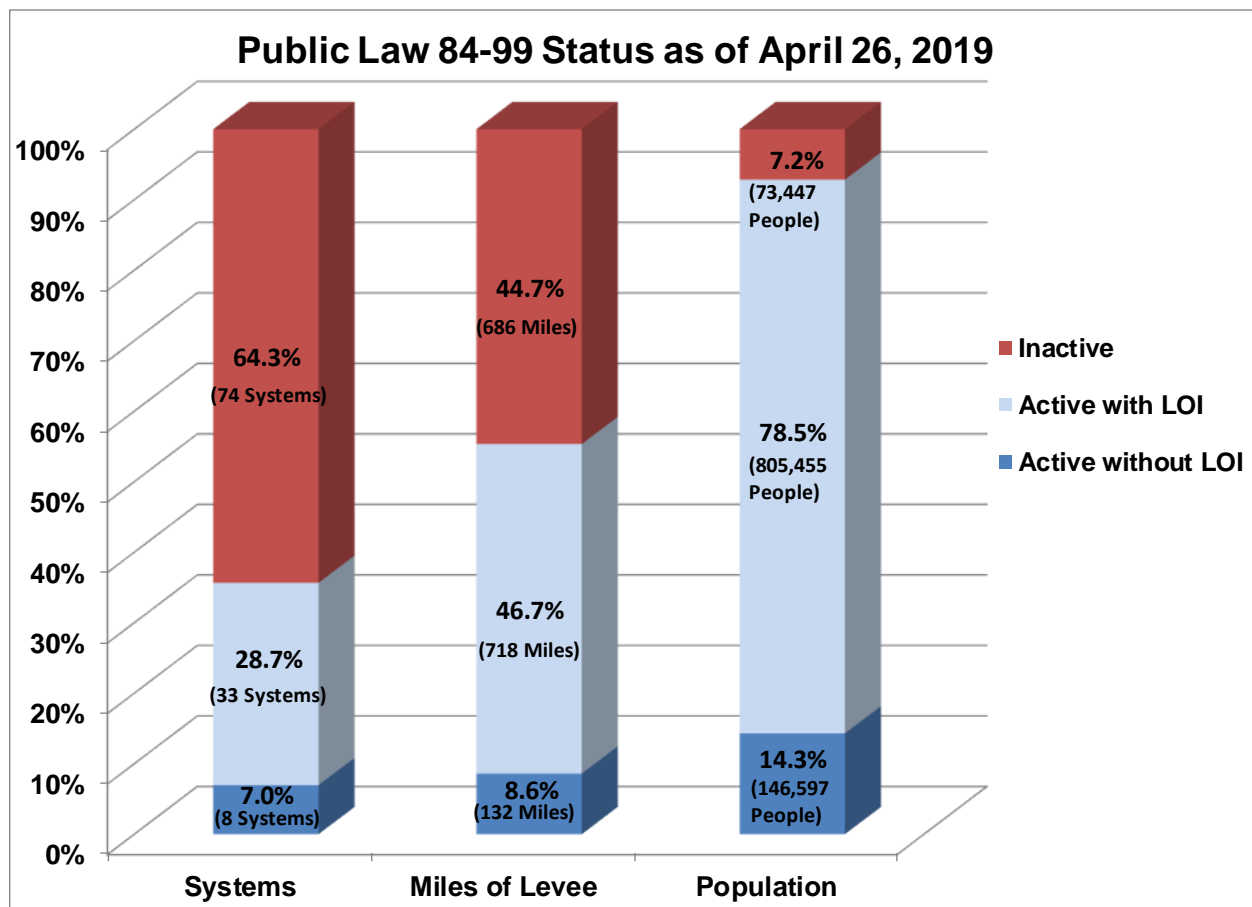
DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. Staff is assisting with site inspections and priority review.

- In 2017 and 2018, DWR repaired the sites evaluated as “critical”. In 2019, DWR intends to repair 28 sites evaluated as “serious” sites.

5. PL 84-99 Levee System Status

The data and chart below represent the most updated information about PL 84-99 Program eligibility as of April 26, 2019:

- Systems: 64.3% Inactive, 7.0% Active w/ out Letter of Intent (LOI), 28.7% Active w/ LOI
- Levee Miles: 44.7% Inactive, 8.6% Active w/ out LOI, 46.7% Active w/ LOI
- Population: 7.2% Inactive, 14.3% Active w/ out LOI, 78.5% Active w/ LOI



6. Staff News

- **Professional Engineering (PE) Exam:** One staff took the challenging PE exam on Friday, April 5th. Another staff will be taking the final portion of the exam on April 30. All are hoping for a positive outcome.

Permitting Section

1. Monthly USACE/DWR/CVFPB Coordination Meeting

Permitting staff participates in monthly coordination meetings with representatives from DWR's Inspection Section and the USACE Levees and Channels Branch (Section 408). The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment updates. DWR inspectors bring on-the-ground insight to the discussion. A brief overview of the items related to the Permitting Section are presented below.

- **Deferred Maintenance Project:** DWR has completed work on all system feature drainage pipes in Putah Creek. Approximately 26 pipes were lined with resin that is anticipated to extend the service life of the pipes by 50 years. Work will begin on Willow Slough Bypass as soon as water levels will allow. Approximately 18 pipes have been identified as needing repair in this waterway.
- **USACE Routine Inspections:** USACE completed their routine inspection of the left bank of the Calaveras River and the Stockton Diverting Canal (Mormon Slough Project) the first week of April. No major issues to report, both systems are PL 84-99 active per a System Wide Improvement Framework that has been submitted to the USACE by the San Joaquin County Flood Control and Water Conservation District.
- **Inspections Work Group Meeting:** This meeting was discussed at the Coordination meeting. It was noted that it needs to be made clear to LMA's that levee inspections done by USACE are more inclusive of everything on the levee, not just maintenance issues which is the focus of DWR's inspections.
- **UCIP:** DWR's Utility Crossing Inventory Program (UCIP) has researched and inspected approximately 700 miles of levees and indexed all of the pipe crossings in these areas. UCIP information is available for review by staff using DWR's Flood Emergency Response Information Exchange (FERIX) viewer.

2. Outreach

- **USACE – Categorical Permissions:** Staff met with representatives from USACE Section 408 staff to further discuss the Categorical Permission category that the Sacramento District enacted on January 14, 2019. It is estimated that 80% of all applications/projects will be reviewed under this new category. Proposed encroachment projects that adhere to one of the 25 defined project descriptions will be reviewed slightly differently than a standard application. These descriptions will be updated as needed by USACE and any changes will not require a new approval. Project descriptions are available at the following link which has been placed on the CVFPB website as well:
<https://www.spk.usace.army.mil/Missions/Civil-Works/Section-408-Permissions/Categorical-Permission/>

The two main changes to Categorical Permission review includes; 1) no public notice required, and 2) no legal review. If required, Section 106 and 107 consultations will still be performed. USACE is actively coordinating with the State Historical Preservation Officer, US Fish and Wildlife Service, and National Marine Fisheries Service to reach an agreement that would allow informal reviews that could shorten timeframes from 135 days to 60 days. The Categorical Permission program will be reevaluated/revised by SPK in approximately five years.

- **USACE/Water Forum** - A phone conference was held with the Sacramento Water Forum and USACE to discuss placing gravel in the American River to benefit fish. The Sacramento Water Forum is a diverse group of business and agricultural leaders, citizen groups, environmentalists, water managers, and local governments working together to balance water supply and environmental goals. Gravel augmentation in the American River is required by the U.S. Fish and Wildlife Service due to the construction of Folsom Dam which is operated by the Bureau of Reclamation. The Water Forum is assisting with the coordination between USACE and staff regarding this project which involves 11 sites.

3. Staff News

- **Professional Engineering (PE) Exam:** Two staff took the challenging PE exam on Friday, April 5th. All are hoping for a positive outcome.

4. Permitting Status Overview

The table below provides a general overview of the number of applications being reviewed by staff and where the applications are in the review process. The numbers in the table show the review activity that occurred during the month of March 2019. Including the 15 new applications received in March 2019, there are a total of 68 applications currently being reviewed by staff.

Table 1: Encroachment Permit Application Summary

Application Review Activity Summary	March 2019
Applications Received	15
Scheduled as an EO Delegated Permit	12
Scheduled for Consent Calendar	6
Scheduled as a Hearing	0
Incomplete Letters Sent	2
Applications Withdrawn	0
USACE Application Transmittals Sent	6
USACE 30-Day Incomplete Letters Received	7
USACE Permission Letters Received	5
Permits Conditionally Approved by CVFPB	0
Permits Issued	11

As noted in the table above there were 12 applications scheduled as Executive Officer (EO) delegated permits in March 2019. Information related to EO delegated permits is required to be posted on the CVFPB's website for 30 days prior to decision and permit issuance per CCR, Title 23, Division 1, Section 5. Staff completed the review of 3 EO delegated permits in March 2019 and those projects were posted to CVFPB's website the second week of April 2019. Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website@: <http://cvfpb.ca.gov/permitting/delegated-permits/>

Inspection Section

1. Staff News

- This month, Michael Gill and Alex Haston travelled to DWR's headquarters and regional offices for DWR orientation training to understand and be aware of the different divisions and services that the Department is responsible for. All the inspection staff has now completed this basic training.

2. Coordination

- On March 27, 2019, section staff attended the initial Inspection Workgroup Meeting to establish inspection roles, existing programs, responsibilities, and communication channels between local, state, and federal agencies responsible for flood protection.
- On April 8, 2019, staff facilitated the monthly coordination meeting with USACE Levees and Channels (Section 408) staff, DWR-Flood Maintenance Office, and DWR-Inspections Section. The parties discussed the need for a common identifier for items and encroachments on the flood control system in order to efficiently communicate maintenance and repair issues identified in different inspection reports.

3. Permit and Inspection Fee Implementation

- The final rulemaking package for Permit and Inspection Fees was submitted to the Office of Administrative Law for review and approval. If approved, the new fees will become part of the California Code of Regulations on file with the California Secretary of State.
- Inspection staff is coordinating internally with the Permitting Section and Administrative Branch to prepare staff and the public for the fee collection process.

4. Automatic Board Order Encroachment Reclassification Updates

- Staff continued to inventory each encroachment listed on Automatic Board Orders (ABOs) within the scope of the Deferred Maintenance Project on Putah Creek and Willow Slough. Staff will be beginning outreach to the appropriate parties on Putah Creek to begin processing applications for eligible encroachments. See the attached progress table for details.

ABO Encroachment Reclassification Progress							
	Research		Outreach		Processing		
	Total Encroachments	Desk Study Complete	Letter Sent	Response Received	System Feature Confirmed	Permit Needed	Under Enforcement
Putah Creek	180	180	0	0	0	0	0
Undetermined	0	0	0	0	0	0	0
System Features	159	159	0	0	0		
Private Encroachments	21	21	0	0		0	0
Willow Slough	59	0	0	0	0	0	0
Undetermined	59	0	0	0	0	0	0
System Features	0	0	0	0	0		
Private Encroachments	0	0	0	0		0	0

*Note: This list includes only ABOs within the extents of repairs initiated by the Deferred Maintenance Project on Putah Creek and Willow Slough